

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

HEATHER DABELSTEIN,

Plaintiff,

v.

ORDER

Civil File No. 05-1176 (MJD/AJB)

RON MITCHELL and SUN PLACE
TANNING STUDIOS, INC.,

Defendants.

No appearance for Plaintiff.

James R. Andreen, Erstad & Riemer, P.A., Counsel for Defendants.

This matter is before the Court on Defendants' Motion for Dismissal with Prejudice. [Docket No. 18] No oral argument has been requested on this motion and Plaintiff has not filed objections to the motion.

Pursuant to Federal Rule of Civil Procedure 37(b)(2)(C), the Court may sanction a party for failure to comply with an order granting a motion to compel by dismissing the action. In this case, Magistrate Judge Boylan issued a pretrial scheduling order pursuant to Federal Rule of Civil Procedure 16 on July 26, 2005. On February 14, 2006, Defendants brought a motion to compel Plaintiff to answer

interrogatories and requests for production of documents. Magistrate Judge Boylan granted this motion, issuing an order modifying the scheduling order and directing Plaintiff to respond to Defendants' discovery requests within 30 days of receipt of the order. Judge Boylan's order warned Plaintiff that failure to comply with the order could result in dismissal with prejudice. Four months have passed since Judge Boylan's order was issued and Plaintiff has failed to comply with the order.

Based on Defendants' memorandum of law and accompanying affidavit and on the fact that Plaintiff has not objected to this motion, the Court will grant Defendants' Motion for Dismissal with Prejudice.

IT IS HEREBY ORDERED that

Defendants' Motion for Dismissal with Prejudice [Docket No. 18] is
GRANTED.

Dated: June 15, 2006

s / Michael J. Davis
Judge Michael J. Davis
United States District Court